THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.36850 of 1998

DATED: 19-04-2007

Between:-

Koonapamu Venkatesu and others

.. Petitioners

and

The District Collector and Magistrate, West Godavari District and others.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.36850 of 1998

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in trying to dispossess the petitioners from the lands in Sy.Nos.144/1, 144/2 and 47/1 of Pothavaram village, Nallajerla Mandal, West Godavari District belonging to 4th respondent temple, without initiating any proceedings under Andhra Pradesh (Andhra Area) Tenancy Act or Land Acquisition Act, as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India; and consequently to direct the respondents not to dispossess the petitioners from the said lands.

The case of the petitioners, in brief, is that they have lease hold rights of the lands in Sy.Nos.144/1, 144/2 and 47/1 situated at Pothavaram village, Nallajerla Mandal, West Godavari District, belonging to the 4th respondent temple, and have been engaged in agricultural operations. While so, the 3rd respondent issued a notice, dated 07.12.1998, directing them not to enter into the lands and cultivate them, since the Government proposed to acquire the same for providing house sites to backward classes. In spite of the representations made by the petitioners, the respondents are trying to dispossess them. Aggrieved by the same, the petitioners filed this writ petition.

In the counter-affidavit filed on behalf of the respondents 1 to 3, it

is categorically stated that no notification under Section 4 (1) of the Land Acquisition Act (for short 'the Act') has been issued so far in respect of the lands in question and there is no threat of dispossession by the authorities as alleged in the affidavit filed in support of the petition.

Heard both sides.

This Court, while issuing rule nisi on 31.12.1998, passed an interim order directing the respondents not to dispossess the petitioners from the lands in question. Thus, the petitioners are in possession of the lands in question.

In view of the averments made in the counter-affidavit, this Court is of the opinion that the petitioners filed this writ petition only on a mere apprehension that they may be dispossessed by the authorities from the lands in question.

Hence, recording the said statements made in the counter-affidavit, this writ petition is dismissed. No costs.

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GOPALA KRISHNA TAMADA, J

19th April, 2007
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